

REMARKSThe Office Action

Claims 1, 2, 4-6, 8-10 and 13 were examined. Claim 8 stands rejected under 35 U.S.C. 112, second paragraph. Claims 1, 2, 5, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu(5,458,351). Claims 4 and 8 stand rejected under 35 U.S.C. 103(a) as being obvious in view of Yu(5,458,351) and further in view of Sheldon(4,082,306). Claim 6 stands rejected under 35 U.S.C. 103(a) as being obvious in view of Yu(5,458,351) in view of Meredith(4,458,907). Claim 13 stands rejected under 35 U.S.C. 103(a) as being obvious in view of Yu(5,458,351) in view of Sheldon(4,082,306).

35 U.S.C. 112<sup>7</sup>

The examiner states that claim 8 is indefinite due to the use of the phrase "such as". Claim 8 has been removed.

35 U.S.C. 102

Claims 1, 2, 5, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu(5,458,351). It is respectfully submitted that this rejection has been overcome by amendment of claim 1 (now claim 14).

Applicant concedes that the language of claim 1 did not convey novelty over Yu because of the use of the term "comprising" to refer to the "single wheel". Applicant now understands that "comprising" did not preclude the addition of another wheel. Claim 14, which replaces claim 1, now includes language that clearly indicates that the "single wheel" is the "principal" support for the footboard. Since two wheels cannot both be the "principal" support, Applicant respectfully submits that the rejection has been overcome.

Applicant further submits that nothing in Yu's specification suggests that he anticipated the use of a single wheel per footpad.

Applicant yet further submits that the use of a single wheel per footboard is non-obvious to one skilled in the art. Firstly, it is not obvious whether the present invention is

even rideable. The Applicant was not confident of this until considerable experimentation with a prototype.

Secondly, the invention also has unexpected advantages. For example, it eliminates a steering instability of the Snakeboard (e.g. Yu's board) in which weighting the heels tends to cause the board to steer toward the toes. The invention is also less sensitive to road debris, since the contact point of the wheel and the ground tends to be more in line with the steering axis. Rocks, twigs, etc do not cause appreciable steering torque; also, the wheels can be larger than on a conventional skateboard or Snakeboard without the footpads being any higher off the ground. The present invention also avoids steering torque due to an uneven ground surface. On a conventional Snakeboard, a twist in the road surface tends to make the board go up on three wheels, whereas the present invention maintains both wheels on the ground.

Most, if not all of the stability problems of the Snakeboard previously went unrecognized. These problems have given the Snakeboard a reputation as being very hard to learn, squirrely and not very graceful. Applicant submits that the identification of the stability problems is non-obvious as is the present invention which solves these deficiencies.

With regard to claim 10 (replaced by claim 25), regarding the range of tilt of the board being  $\pm 30$  degrees, the Examiner states that conventional skateboards can tilt 30 degrees before hitting the ground.

The reason for this claim is that 30 degrees is a good trade-off between ground clearance while cornering, and being able to mount the board. Given that the preferred embodiment is dynamically unstable, it is difficult to place both feet on their respective footpads while keeping the footpads flat. The best approach is to fully weight your heels and get both feet in place while the heel edge of the footpad is still on the ground. Because of the limits of ankle flexion, this would be difficult if the board tilts much further than 30 degrees. Applicant submits that the present invention is structurally and functionally different from conventional skateboards and "Snakeboards", and that claim 25 (replacing claim 10) describes an important refinement of the present invention.

Applicant further submits that a conventional skateboard, as well as Yu's invention can tilt almost 90 degrees before the footpad hits the ground.

35 U.S.C. 103

Claims 4 and 8 stand rejected under 35 U.S.C 103(a) as being obvious in view of Yu(5,458,351) and further in view of Sheldon(4,082,306). Claim 6 stands rejected under 35 U.S.C 103(a) as being obvious in view of Yu(5,458,351) in view of Meredith(4,458,907). Claim 13 stands rejected under 35 U.S.C 103(a) as being obvious in view of Yu(5,458,351) in view of Sheldon(4,082,306).

Claim 13 has been removed.

Applicant respectfully submits that claims 4, 8, and 6 all depend from claim 1 and are patentable for the reasons discussed above with regard to claim 1. The secondary references do not supply what is lacking in Yu, i.e. a skateboard having a "single wheel" per footboard and this wheel being the "principal support".

In view of the above remarks and amendments, Applicant submits that all claims are now in condition for allowance, and such action is solicited.

Respectfully submitted,

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